

To: Mr. Rick Breitenbach
CALFED Bay Delta Program
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From: Steve Shaffer

December 17, 1999

Re: Comments on the November 1999 Response to Comments Document
(Administrative Draft)

There are potentially significant impacts to prime agricultural land and agricultural water supplies identified in several places in the PEIS/R. These significant impacts are recognized in several of the common program elements including the Ecosystem Restoration Program, the Levee System Integrity Program and the Water Quality Program. In reviewing the PEIS/R it is apparent that alternative approaches to these program elements have never been considered or analyzed by CALFED so as to avoid, reduce and minimize potential impacts to agricultural resources. It is our view that the purpose of a programmatic environmental impact report under CEQA is to provide exactly that type of analysis. Therefore, we must conclude that the PEIS/R is inadequate in fulfilling CEQA requirements.

Furthermore, we find the approach towards mitigation of impacts to agricultural land and water resources in the PEIS/R to be lacking for the purposes of CEQA. An important purpose of a PEIR under CEQA is to present policy and commitments as to how mitigation of impacts will in fact be implemented. The PEIS/R does present some policy statements that recognize agricultural resources as valuable and that impacts will be appropriately mitigated. However, a full discussion of mitigation strategies and a definition of appropriate mitigation are lacking in the document.

The approach taken in the response to comments is unresponsive to the issues raised. The proposed responses do not fully inform the public of the purposes of a PEIR as described in the CEQA statutes and guidelines. The responses ignore suggestions for additional mitigation measures for agricultural land conversion for inclusion in the PEIS/R. The responses ignore CEQA requirements to identify cumulative impacts and programmatic mitigation measures that cannot be captured in a project-specific piecemeal treatment of impacts and mitigation.

It is our view that many of the proposed responses concerning the program's impacts to agricultural land will only add to the record that some may use to block implementation of the CALFED Preferred Program Alternative. The California Department of Food and Agriculture has consistently advised CALFED management and staff on strategies that if incorporated into the PEIS/R could avoid such actions.

We look forward to reviewing the next iteration of the Administrative Draft PEIS/R on January 12, 2000.